

Amendment No. 2 to SB1980

McNally  
Signature of Sponsor

**AMEND Senate Bill No. 1980\***

**House Bill No. 2471**

by deleting SECTION 4 and substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 55-17-102, is further amended by:

- (1) Deleting the language "or recreational vehicles" wherever it appears in subdivision (17) and substituting instead the language "or used recreational vehicles";
- (2) Adding the following language to the end of subdivision (16):  
and does not include a recreational vehicle as defined in § 55-54-102;
- (3) Deleting the language contained in subdivision (18) and substituting instead the following language:

"Motor vehicle salesperson" or "vehicle salesperson" means any person who is not excluded by subdivision (19), and who is:

(A) Employed by a licensed motor vehicle dealer who is engaged in the business of effecting or attempting to effect the sale or purchase of motor vehicles or used recreational vehicles owned by some other person to residents of the state, for which service some form of remuneration is expected, whether the remuneration be designated as a salary, fee commission, rental, or otherwise, and regardless of whether the remuneration is paid by the buyer, seller, or a third party; or

(B) Employed by a recreational vehicle dealer licensed pursuant to part 4 of this chapter, and who is engaged in the business of effecting or attempting to effect the sale or purchase of recreational vehicles or used motor vehicles owned by some other person to residents of the

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state, for which service some form of remuneration is expected, whether the remuneration be designated as a salary, fee commission, rental, or otherwise, and regardless of whether the remuneration is paid by the buyer, seller, or a third party;

(4) Adding the following language as a new subdivision (F) in subdivision (19):

(F) A recreational vehicle dealer licensed pursuant to part 4 of this chapter engaged in the business of selling, offering to sell, soliciting, or advertising the sale of new or used recreational vehicles or used motor vehicles pursuant to § 55-17-419;

(5) Deleting subdivisions (4) and (25) in their entireties.

**AND FURTHER AMEND** by deleting § 55-17-401(10) in SECTION 10 and substituting instead the following:

(10) "Recreational vehicle dealer":

(A) Means a person engaged in the business of selling, offering to sell, soliciting, or advertising the sale of new or used recreational vehicles or used motor vehicles pursuant to § 55-17-419, or possessing such vehicles for the purpose of resale, either on that person's own account or on behalf of another, either as that person's primary business or incidental to that person's business; and

(B) Does not include:

(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court;

(ii) Public officers while performing or in the operation of their duties;

(iii) Employees of persons, corporations, or associations described in subdivision (10)(B)(i) when engaged in the specific performance of their duties as employees;

(iv) A motor vehicle dealer licensed pursuant to part 1 of this chapter not engaged in the business of selling, offering to sell, soliciting, or advertising the sale of new recreational vehicles;

(v) News or other advertising media and their employees while in the performance of their usual duties with regard to the sale of advertising; or

(vi) All banks, finance companies, loan companies, insurance companies, auto body shops, or garages that have not obtained a recreational vehicle for the purpose of resale, selling, or offering to sell used recreational vehicles directly to the public without the intervention of any other person, when these sales are merely incidental to their primary business activities;